

**KENTUCKY LICENSING BOARD OF
HEARING INSTRUMENT SPECIALISTS**

BOARD MEETING MINUTES

**April 12, 2007
1:00 p.m.**

A regular Board meeting of the Kentucky Licensing Board for Specialists in Hearing Instruments was held at the Division of Occupations and Professions in Frankfort, Kentucky on April 12, 2007

BOARD MEMBERS PRESENT

Steve Clark
Lisa Brown
William "Jeff" Brown II
Brian Schreiner
Mike Stone
Charles Robinette
Michael Hoagland
Wilma McMillian

Mark Brengelman – Assistant Attorney General
Board Counsel

OCCUPATIONS & PROFESSIONS STAFF

Carolyn Jones, Board Administrator
Claude Wagner, Director

BOARD MEMBERS NOT PRESENT

Greg Osetinsky, M.D

OTHERS

Bruce Campagna

CALL TO ORDER

Mr. Clark called the meeting to order at 1:45 p.m. Mr. Clark asked Board members to introduce themselves to Mr. Bruce Campagna.

APPROVAL OF MINUTES

Mr. Brown made a motion to approve the minutes from the February 19, 2007 Board meeting. The motion was seconded by Ms. Brown. The motion carried.

FINANCIAL STATEMENT

Mr. Wagner discussed a financial matter that he had been made aware of by the division's fiscal section. Reports indicated that there had been increased spending in handling Board complaints, specifically, for investigative, hearing officer, and legal expenses. Discussion revealed that several thousand dollars had actually been levied toward licensee's which should actually offset much of those expenses. Mr. Wagner also, indicated that during the next fiscal years, several of the expenses that were now reflecting in the "miscellaneous" section of the report, would become "line items" independent of that section.

Following Mr. Wagner's discussion, the Board reviewed the most recent financial statement provided. Mr. Robinette made a motion to approve the financial statement. Ms. McMillian seconded the motion. The motion carried.

DIRECTOR'S REPORT

Mr. Wagner discussed discontinuing the on-line pocket cards and having a more detailed on-line licensure verification. This would cut down on expenses by no longer having to pay postage to mail the licensure pocket cards. Following discussion, the Board took no official action on the matter since 201 KAR 7:050 Section 1 mandates that an "identification card shall be issued to each holder of a license or apprentice permit ... and which he shall be required to keep in his possession at all times[.]"

Information with regard to the security of the scanning system was presented to the Board for informational purposes.

OLD BUSINESS

No old business was brought forth for discussion.

NEW BUSINESS

Mr. Robinette motioned the Board for approval to pay following invoices: an invoice submitted by Kathy H. Witt, Sheriff, Fayette County, for service to Delbert Ault in the amount of \$20.00; and, an invoice submitted by Terri Pelosi for preparing

an original transcript and one additional copy of the hearing held on 09/26/2007 relating to 06-KBHI-0169, Kentucky Licensing Board for Specialists in Hearing Instruments vs. Arthur Azar. Mr. Stone seconded the motion. The motion carried.

Mr. Clark reported to the Board that in order to accommodate an out of state licensee he had approved the applicant to sit for the April 13, 2007, without him having a completed health certificate. The applicant was, however, informed that he would not be licensed until the information had been provided to the Board.

Mr. Clark conveyed a recent telephone conversation he'd had with former Board chair, Bob Manning. Mr. Manning had asked the Board's position with regard to allowing an apprentice to sit for the licensure examinations if they were within one to two weeks of having completed a full year of apprenticeship. In accordance with KRS 334.090 Section 2 (4), the Board shall not waive or make changes to the requirement of the law stating that "After completion of the stages provided in subsection (2) of this section ..." because the apprentice period "shall be for twelve (12) months." Therefore, an apprentice may not sit for the examination until after completion of the twelve months apprentice period, not one to two weeks before the completion. Mr. Manning had indicated that he would be sending a letter to the Board with his request. On receipt of the letter Mr. Clark will respond.

Mr. Robinette informed the Board that he'd recently been made aware of software available that would standardize the audiometric examination portion of the Kentucky practicum exams. The licensure board in North Carolina was exploring the possibility of purchasing the software and Mr. Robinette thought it might be possible at a later date to interface with North Carolina, and share the technology. Mr. Robinette agreed to look into this further and update the Board with the information at a later Board meeting.

Mr. Hoagland presented a copy of a publication from the Mid-America Conference that the Board had provided incorrect information for in an article. The information had been taken from the Board letter that is regularly sent to sponsors in Kentucky upon approval of an apprentice permit. Following discussion, Mr. Hoagland made a motion that Ms. Kyler correct the sponsor letter. Mr. Stone seconded the motion. The motion carried.

COMPLAINTS

Mr. Clark made a motion for the Board to accept the Complaint Committees report as follows:

04-007 – The Defendant is continuing to make payments. The case has been referred for further investigation and is ongoing.

05-005 – *HIS Board v. Arthur Azar*, Agency Case No. 05-005, Administrative Action No. 06-KBHI-0169. It was reported to the Board that this case might be at an impasse in the settlement negotiation process. If that proves to be the case, at the request of the Board, Mr. Brengelman would continue with the judicial appeal in McCracken Circuit Court

06-010 – Ongoing investigation

06-012 – Prehearing Conference scheduled for April 16, 2007

06-015 – Dismissed – no violation of law found

06-016 – Ongoing

06-018 – Prehearing Conference scheduled for April 20, 2007

06-019 – Ongoing

06-020 – Ongoing

06-026 – Ongoing

06-027 – Charges pending

06-028 – Ongoing

06-030 – Charges pending

06-031 -- Ongoing

06-032 – Dismissed – no violation of law found

07-001 – Dismissed – matter resolved; no violation of law found

07-002 – Ongoing

07-003 – Ongoing

07-004 – Ongoing

07-005 – Ongoing

07-006 – Ongoing

07-007 – Ongoing

07-008 – Ongoing

The motion was seconded by Mr. Robinette. Motion carried. Mr. Clark and Mr. Brown recused and did not vote on any action taken.

APPLICATION REVIEW

Mr. Stone made a motion for the Board's acceptance of the following applications as follows:

APPROVED

Melanie Richart approved as an Apprentice – Reggie Widick sponsor

DENIED

No applications denied.

CONTINUING EDUCATION

No continuing education submitted for approval.

APPROVAL OF TRAVEL & PER DIEM

Mr. Robinette made a motion to approve the travel and per diem. The motion was seconded by Mr. Schreiner. The motion carried.

NEXT MEETING

Exams will be given on April 13, 2007 beginning at 9:00 a.m. Immediately following the exams the Board will reconvene.

The next Board meeting is tentatively scheduled for June 22, 2009, but may be rescheduled with notice to the Board. The Complaint Committee will meet at 10:00 a.m., with the regular meeting of the Board beginning at 1:00 p.m.

ADJOURNMENT

Mr. Robinette a motion to recess at 4:30 p.m. with the Board reconvening April 13, 2007. The motion was seconded by Mr. Schreiner. The motion carried.

RECONVENED

Mr. Clark called the meeting back into order at 1:25 p.m. on Friday, April 13, 2007.

Having recused earlier from any matters involving Delbert F. Ault, Mr. Hoagland, left the room and did not participate in any discussion or subsequent vote.

Based upon information brought to the attention of the complaint committee with regard to complaint case numbers 06-027 and 06-030, and in compliance with the Settlement Agreement currently in effect between the Board and Delbert F. Ault, the Complaint Committee recommended to the Board that the Board file against Delbert F. Ault a Notice of Immediate, Temporary Suspension of his license for alleged violations of the Settlement Agreement previously entered into with the Board. The recommendation was seconded by Mr. Robinette. Motion passed.

Having no further business before the Board, Mr. Stone made a motion that the meeting be adjourned. The motion was seconded by Mr. Robinette. The motion carried.



Approved by Steve Clark, Chairman

Prepared by Carolyn Kyler, Board Administrator
April 14, 2007